

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION

Cox House Moving, Inc., on behalf of)
itself and all other similarly situated,) Civil Action No.: 7:06-cv-1218-HMH
)
Plaintiff,)
)
v.) FORD MOTOR COMPANY'S
) MOTION TO DISMISS
Ford Motor Company,)
)
Defendant.)
)

Defendant Ford Motor Company (“Ford”), by and through its undersigned counsel, hereby moves the Court for an Order dismissing Plaintiff's claims, in their entirety and with prejudice, pursuant to Federal Rule of Civil Procedure 12(b)(6). As set forth in greater detail in its Memorandum in Support of Motion to Dismiss, filed contemporaneously herewith, Ford's Motion is based upon the following grounds:

1. Plaintiff's Complaint fails to state a claim for breach of express warranty;
2. Plaintiff's Complaint fails to state a claim for breach of implied warranty;
3. Plaintiff's Complaint fails to state a claim for negligence, gross negligence, or recklessness; and
4. Plaintiff's request for a recall is preempted.

For these reasons, as discussed more fully in its Memorandum in Support of Motion to Dismiss, Ford respectfully requests that this Motion be granted and that Plaintiff's claims be dismissed in their entirety and with prejudice.

[Signature page to follow.]

Respectfully submitted,

May 31, 2006

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